

**DECLARATION OF MELISSA MICHELLE CARRILLO**

I, Melissa Michelle Carrillo, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge and based upon information provided to me as Executive Director of Operations. If called as a witness, I could and would testify competently and truthfully to these matters.
2. I have worked for El Paso County (County) for the last 17 years. In my capacity as an Executive Director of Operations, I lead, plan, direct, and facilitate all matters pertaining to the effective administration of the assigned areas to ensure performance management, policy, implementation, analysis, and strategic guidance to assigned departments. I also advise the County's Chief Administrator on matters pertaining to the departments overseen and provide highly responsible and complex executive management in support of County government.
3. The County operates under a balanced budget as required by law. This does not mean that estimated revenues must always be exactly equal to budgeted appropriations. The Commissioners Court members have historically used fund balance as a revenue source and budgeted a portion of the unassigned fund balances to balance the revenues to appropriations. As a sound financial management practice, members of the Commissioners Court consistently emphasize maintaining sufficient unassigned fund balance levels in order to maintain and enhance the County's financial health. More importantly, the County focuses on having sufficient working capital to meet current

operating needs throughout the fiscal year, and works to ensure its 9 strategic priorities operate with the budget resources needed to achieve success.

4. El Paso County Government is largely financed by property taxes based on truth-in-taxation guidelines set forth by the Texas Comptroller of Public Accounts. One of the County's priorities has been to hold the line on taxes and increases whenever financially feasible. The court can be particularly proud that it met this goal for 6 of the past 9 years. Senate Bill 2, which went into effect in 2020, lowered the ceiling on tax increases from 8% to 3.5% without taking increases above 3.5% to the voters for approval. This statute will make it more challenging in the future to align revenues and expenditures in uncertain economic times as property taxes are the revenue source that the County relies upon the most.
5. The County funds the state-court system 100%, including judicial salaries set by statute, administrative support, operating expenses, technology, and security. The County also funds the bailiff positions assigned to each court. The County receives various state grants to fund specialty courts and court programs, and to reimburse a portion of the District Attorney costs. These grants and reimbursements are less than 10% of the total costs to fund the court system and are not considered sustainable sources of income.
6. Depending on the number of persons detained under enforcement of S.B. 4 several processes in the County's criminal justice system may be negatively impacted. The El Paso County jail has a 24- hour magistration system. This means that within 24 hours of the time a person is booked into the County Jail, they appear before a magistrate for an initial appearance and assessment of bond. By the time the detainee appears before the magistrate, County staff will provide to the magistrate and assigned attorneys a financial

assessment and a pretrial information report that includes a risk assessment and a Public Safety Report. The system is currently working at capacity, any significant increase to current caseload would require the County to devote more resources to hire more indigent defense lawyers, prosecutors, and CJC personnel.

7. The judicial impacts of an additional 8,000 prosecutions to the courts could cost approximately \$5 million per year based on \$700 per case. This estimate does not include expenses for court staff, facilities, translators, and transportation.
8. The County is required to collect court fees on behalf of the state. The allocation retained for this mandated service is less than 1%. In 2023, the state increased the amount of pay required for jurors. This increased the budget allocation for FY24 by 6% and is expected to increase in FY25 by another 15% as courts increase the number of trials. The County provides general funds to the Juvenile Probation Department, which is in part funded by state grants and reimbursement.
9. The County funds criminal defense, including the Public Defender's Office 100%. The Public Defender's Office FY24 budget is \$12.6 million. This office receives a formula-based grant from TIDC. In FY23 this grant was \$653,148.00. PD also received a grant in the amount of \$2,458,307 in FY23. The County budgeted \$4.2 million for outside indigent defense costs for FY24. An increase of 8,000 cases per year would likely create a budget shortfall for the Public Defender's Office.
10. The following estimates are based on the estimates provided by Steven McCraw, Director and Colonel of the Texas Department of Public Safety, when he testified as an expert witness in front of the House State Affairs Committee during the 88th Texas Legislature 3rd Called Session regarding House Bill 4 and Senate Bill 11. In that testimony, Mr.

McCraw stated DPS is estimating immigration enforcement like that required under S.B. 4 would create an additional 75,000 – 80,000 arrests per year.<sup>1</sup>

11. Based on that general estimate, the County estimates there may be over 8,000 additional arrests under S.B. 4 in the El Paso area. Pursuant to this estimate, El Paso County will likely incur corresponding increases for costs of housing and prosecuting these detainees. The costs projected in this declaration are based on this 8,000 estimate.

12. The single most costly operation within the County are the two County detention facilities. The County implemented various justice reform efforts over the past several years in order to lower the fiscal impact of the detention operations, including programs aimed at lowering recidivism, incarcerating only those that are high risk, remodeling the downtown jail to match the improved judicial system and using technology to increase efficiencies. A recent jail study, along with a number of other judicial and incarceration studies are used in tandem to assist in this cost reduction effort. The current jail administration has been proactive its it cost containment efforts over the past several years.

13. If SB4 takes effect and increased prosecutions are seen, this would mean:

- a. A reduction in federal revenue of about \$20M since El Paso County jails would no longer have the space to house federal prisoners if our focus shifts to the increase in state prisoners;
- b. An increase in costs to hire more Detention Officers/Deputies depending on the rise in crime and need for our law enforcement team to respond accordingly;
- c. An increase in medical healthcare costs to cover the increase in inmates;

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<sup>1</sup> Texas Senate Committee on Border Security, *Testimony of Steven McGraw*, starting at minute 49:25, found at: [https://tlcsenate.granicus.com/MediaPlayer.php?clip\\_id=18423](https://tlcsenate.granicus.com/MediaPlayer.php?clip_id=18423).

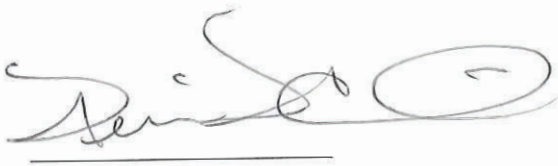
- d. An increase in judicial costs to handle the increase in cases;
  - e. Possible need for a new jail to be built to house additional inmates if our current bed capacity is exhausted. An additional 8,000 arrests will likely require the County to create an additional 400 jail beds with an estimated cost of \$162 million to build additional jail and bed space.
14. County jail costs are calculated as follows: The most recent study completed in 2019 determined a cost of \$101.00 per day for each inmate housed. This cost includes operation, personnel and unfunded requirements for medical and mental health care required by the state. This is the amount that is billed to the federal government for detainees. Current estimates of costs per day range between \$105-\$112. County jail facilities normally have a capacity to hold 2,896 persons, however, due to maintenance and remodeling currently being done, max capacity is 2460 with the Downtown facility having a capacity of 1010 and the Annex having a capacity of 1450.
15. Based on an additional 8,000 arrests due to enforcement of S.B. 4, the cost per inmate would remain the same, however the loss of federal revenue would shift the burden of cost to the local taxpayer through an increase in property taxes, or services would need to be reduced in other service areas to ensure funding for the detention facility. Additionally, because an increase in 8,000 would surpass our available bed threshold, a new jail would need to be built to house the increase, and new officers and staff would need to be hired to manage the workload.
16. The need for additional expenditures related to additions or expansions to facilities is calculated as follows. There is always a target detention officer ratio/inmate of 1/48. At full capacity additional detention officers would increase the budget by \$1,574,732. UMC

Medical and Health Contract would increase by \$6 million per year. The County's Food Contract would need to increase based on the inmates being served. Operation cost-utilities, maintenance, etc. would also see an increase.

17. If there are additional 8,000 arrests due to enforcement of S.B. 4, the County would lose federal revenue. Revenue from federal prisoners is the 3<sup>rd</sup> largest source of revenue for the County. In FY23 this revenue source was budgeted at \$25.8 million, in FY24 it has been budgeted at \$11 million - a 57% decrease – due to a temporary shift in our ability to house federal prisoners given an increase in state crimes associated with human trafficking, maintenance to our jails and a jail remodel currently underway. This revenue source is based on jail population trends and federal or state policy changes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on 1/10/24 at El Paso, Texas.

A handwritten signature in black ink, appearing to read "Melissa Carrillo", written over a horizontal line.

Signature

Melissa Michelle Carrillo